

AMENDMENTS TO THE DRAWINGS:

Replacement drawing sheets 1/6 to 6/6 comprising Figures 1 to 6 in compliance with 37 CFR 1.121(d) are attached.

The following is attached:

Replacement Drawing Sheets 1/6 to 6/6 bearing Figures 1 to 6.

-REMARKS / ARGUMENTS-

Summary of the Examiner's office action

Drawings

Figures 2a to 2d and 3a to 3c use lower case letters in the Figure label contrary to 37 CFR 1.84. Figure 4 has descriptive labels in the flow chart's boxes that need to have spaces inserted between the words.

Specification

The descriptions of Figs. 2 and 3 use lower case letters. Paragraph 027 makes reference to Fig. 5 twice.

Claims

The claim rejections indicated in the Examiner's action are as follows:

Claims	§112(2)	§101	§103(a)	Reasons
11, 13	X			Each particle of the plurality of particles has its own shape in Fig. 2a
22	X			Does not clearly claim Fig. 2b
11-24		X		The method claim steps are embodied as signals
11-24		X		The claims are directed to abstract manipulations of data

Arguments

Applicant wishes to thank the Examiner for his indication of allowability at point 11 of the office action.

Drawings

The labeling of Fig. 2a to 2d and 3a to 3c was amended to use capital letters. Fig. 4 was amended to insert spaces between the words. All figures were formalized. Since Fig. 2A to 2D, 3A to 3C and 5 contain photographs, they are provided on photographic paper. This is believed to overcome the objection to the drawings at point 4 of the office action.

Specification

In the specification, all references to Fig. 2A to 2D and 3A to 3C where amended to use capital letters. The short descriptions at paragraphs 24, 25 and 27 were amended to be a single sentence for each figure. This is believed to overcome the objection to the specification at point 5 of the office action.

Indefiniteness

In claims 11 and 13, the expression “a shape of a plurality of particles” was amended to read “a shape of each of a plurality of particles”. It is now clear that each particle of the plurality of particles has its own shape and that one of the explosion parameters is a shape of each particle. This is believed to overcome the 35 USC 112 rejection of claims 11 and 13 at points 6 and 7 of the office action.

Claim 22 is for an embodiment in which the graphics image data file has a plurality of channels, but not necessarily four channels (claim 15 which depends on independent claim 13). Each explosion parameter is defined in one channel (claim 16 which depends on claim 15). Edges for the particles are defined and the particles are filled up with a different color. The parameter is defined by the filling up in the channel (claim 22 which depends on claim 16). In claim 22, all channels are drawn in the same way. For

example, if only three channels are available, claim 22 would claim an embodiment where Fig. 2A, 2C and 2D are used to define the explosion parameters.

In the specification, at paragraph [040], it is stated that an image file that defines the particle shape, explosion sequence, spin and softness could be constructed in many different ways. One such preferred way is shown in Fig. 2A to 2D with the use of four channels. It is accompanied by, as described in paragraph [040] a description of one preferred way of combining all of the preferred information for each particle of the particle explosion effect in one image file. As described at paragraph [042], FIG. 2b shows an example of the green channel for a shattering glass pattern. In this case, the closer the average value of the particle of the shattered glass pattern to the center of the image, the faster it will explode. New claims 25 and 26 were added to cover the embodiment shown in Fig. 2A to 2D.

At paragraph [045], it is stated that "It will be understood that parameters for the particles could be combined onto one channel. For example, a circle of a small diameter of a color different than the particle on which it is located could indicate an explosion sequence. The video effect controller would then have to recognize that circles of a particular diameter are not particles but rather define the explosion sequence of the particle on which they are located. Although this method less preferred, it would be useful in situations where less than 4 channels are available."

Therefore it is apparent that the embodiment of Fig. 2A to 2D is only an example of how to define the explosion parameters and not the only way. This is believed to overcome the 35 USC 112 rejection of claim 22 at points 6 and 7 of the office action.

None of the amendments carried out introduce new matter.

Non-statutory subject matter - signals

Claims 11 and 13 are directed to statutory subject matter. The specification at paragraph 66 states that : "It should be noted that the present invention can be carried out as a method, can be embodied in a system, a computer readable medium or an electrical or electro-magnetical signal."

There is a comma after the word method and the verb "can" is repeating therefore indicating a conjunction of two distinct ideas. The meaning of the phrase is therefore as follows : It should be noted that the present invention can be carried out as a method. It should be noted that the present invention can be embodied in a system, a computer readable medium or an electrical or electro-magnetical signal.

The present invention could be embodied as a signal. However, Claims 11 and 13 are directed to a method and the two aspects are not interrelated. Claims 11 and 13 do not have limitations to the effect that the method steps are embodied as signals.

A claim reciting a signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter set forth in § 101. However, Claims 11 and 13 do not recite a signal encoded with functional descriptive material but rather a series of method steps which clearly form a method.

This is believed to overcome the rejection under 35 USC 101 at points 8 and 9 of the office action.

It should be noted, that from a technological standpoint, a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer. In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal.

Non-statutory subject matter – tangible result

Claims 11 and 13 do provide a useful, concrete and tangible result. The output of claim 11 is a rendered video particle explosion effect output. It is an organized group of data which, when provided to a display, will show a user a video particle explosion effect. It is not necessary for this rendered video particle explosion effect output to be displayed to be a tangible result. Because it is an organized group of data that can be stored, transmitted and used by other devices, it is a tangible output.

In the case of claim 13, stored object definition data sets which are groups of data that can be transmitted and/or used are outputted. These groups of data are extremely useful, concrete and tangible in that, when received by a graphics engine, they can be used to modify an input video to produce a video effect.

The USPTO's official interpretation of the utility requirement provides that the utility of a claimed invention has to be (i) specific, (ii) substantial and (iii) credible. The output of claims 11 and 13 is clearly specific, substantial and credible. The process of claims 11 and 13 has a result that can be substantially repeated and is therefore concrete.

The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus, or must operate to change articles or materials to a different state or thing. To be tangible the claim must produce an output that can be used by another machine or a human in the form it is produced. In claims 11 and 13, the output can be used, either by a display or a graphics engine to produce a video effect.

This is believed to overcome the 35 USC 101 rejection at point 10 of the office action.

Conclusion

In view of the foregoing, reconsideration of the rejections and objections of claims 11-26 is respectfully requested. It is believed that claims 11-26 are allowable over the prior art, and a Notice of Allowance is earnestly solicited.

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Encl. Replacement drawings sheets 1/6 to 6/6